



#8
xc
8.18.03

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Bessette et al

*

Serial No. 10/023,145

*

Art Unit: 1616

Filed: December 18, 2001

*

Examiner: Neil S. Levy

For: PESTICIDAL ACTIVITY OF PLANT
ESSENTIAL OILS AND THEIR
CONSTITUENTS

*

*

DECLARATION PURSUANT TO 37 C.F.R. 1.132

I Steven M. Bessette, declare and state that I am the president of EcoSmart Technologies, Inc., the assignee of the present application and of U.S. Patent Nos. 6,114,384, 6,531,163 and 6,534,099.

It is my understanding that claims 1-10 were rejected as being anticipated by several references of which I am the co-inventor. The Official Action states that this rejection may be overcome by a showing that any invention disclosed, but not claimed, in the references was derived from the inventor of this application and, therefore, is not the invention "by another".

I am the co-inventor of the present application and I, personally, was involved in the studies and work which is described in the specification and recited in all of the claims.

I am also the co-inventor of U.S. Patent Nos. 6,114,384 (Bessette and Knight); 6,531,163 (Bessette and Enan) and 6,534,099 (Bessette and Enan). I, personally, was involved in the

studies and work which is described in the specifications and recited in all of the claims in these three patents.

Thus, relevant subject matter in the present application was derived from my own previous efforts as an inventor on the three (3) above-identified patents.

In U.S. Patent No. 6,534,099, my contribution was the identification of the active materials, the mixtures thereof and the carriers (hydrocarbons, powder and dusts). The co-inventor's contribution was the speed of action and toxicity studies. The co-inventor's contribution is not the subject of claims in the present application.

In U.S. Patent No. 6,531,163, my contribution was the identification of the active materials, the mixtures thereof and the carriers (hydrocarbons and solvents). The co-inventor's contribution was the knockdown and mortality studies. The co-inventor's contribution is not the subject of claims in the present invention.

In U.S. Patent No. 6,114,384, my contribution was the identification of the active materials and the carriers (hydrocarbon, powder and dusts which do not include abrasives). The co-inventor's contribution was the dust which abrades the cuticle of the target insect. The co-inventor's contribution is not the subject of claims in the present invention.

I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are

punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

August 7, 2003
Date

Steven M. Bessette
Steven M. Bessette

ARMSTRONG, WESTERMAN & HATTORI, LLP
Intellectual Property Law Offices
502 Washington Avenue, Suite 220
Towson, MD 21204
Phone: 410-337-2295
Fax: 410-337-2296

RMG/chb
C:\Core\Office7\WPWin7\Carolyn\pto\21409declaration.wpd